



# Mandatory Reporting Policy 2018

## **Purpose:**

All children have a right to feel safe and to be safe. As members of the Grovedale Primary School community, we have a legal and moral responsibility to respond to serious incidences involving abuse and neglect of the children with whom we have contact, and to report instances that we believe involve physical abuse, sexual abuse or neglect.

To ensure that children's rights to be safe are maintained and each child is protected against physical and sexual abuse, and neglect to the best of our ability.

## **Scope:**

This policy applies to all staff, volunteers and professionals visiting Grovedale Primary School.

## **Policy:**

### **1. MANDATORY REPORTERS**

All staff who are Victorian Institute of Teaching (**VIT**) registered teachers (including principals) or who have been granted permission to teach by the VIT are "mandatory reporters". This means that in the course of undertaking their professional duties, they must report to the Department of Health and Human Services (**DHHS**) Child Protection a belief on reasonable grounds that a child is in need of protection from significant harm as a result of sexual abuse or physical injury and the child's parents are unable or unwilling to protect the child. They must report as soon as practicable after forming the belief.

There may be times when two or more mandated staff members, for example a teacher and a principal, have formed a belief about the same child or young person on the same occasion. In this situation, it is sufficient for only one of the mandated staff members to report to Child Protection. The other staff member is obliged to ensure that the report has been made and that all of the grounds for their own belief were included in the report made by the other staff member.

If one staff member has a different view from another staff member about making a report and the staff member continues to hold the belief that a child is in need of protection, that person is obliged to make a report to Child Protection.

The Victorian offence for failure to report child sexual abuse to the police came into effect on 27 October 2014. It requires that all adults (including volunteers) who hold a reasonable belief that a sexual offence has been committed against a child under the age of 16 in Victoria must report that belief to police, unless they have a reasonable excuse (defined in the Act) for not doing so. The penalty for the offence is up to three years imprisonment. [You can read the full text of s.237 of the Crimes Act 1958 here.](#)

### **2. NON-MANDATED STAFF MEMBERS**

**Any person**, who believes on reasonable grounds that a child is in need of protection, may report their concerns to Child Protection. This means that any person, including non-mandated school staff, can make a report to Child Protection or Victoria Police when they believe that a child or young person is at risk of harm and in need of protection, and the child's parents are unable or unwilling to protect the child.

In order to discharge duty of care, staff members, **whether or not mandated**, need to report a belief formed in the course of undertaking their professional duties. A report must be made as soon as practicable after forming the belief, and on each occasion on which they become aware of any further reasonable grounds for the belief.

### 3. FAILURE TO DISCLOSE OFFENCE

In addition to mandatory reporting and duty of care obligations, **any adult** who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 must report that information to police. Failure to disclose the information to police is a criminal offence except in limited circumstances, such as where the information has already been reported to Child Protection or the child is older than 16 when the belief is formed. More information about the offence can be found @ <http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence>.

### 4. DUTY OF CARE

School staff have a duty of care to take reasonable steps to protect the safety, health and wellbeing of children in their care. If a staff member has concerns about the safety, health and wellbeing of children in their care it is important to take immediate action.

In the case of a child who may be in need of protection or therapeutic treatment, or where there are significant concerns about the wellbeing of a child, school staff can discharge this duty of care by taking action which includes the following:

- a. Reporting their concerns to Child Protection, Victoria Police or another appropriate agency
- b. Notifying the principal or a member of the school leadership team of their concerns and the reasons for those concerns.

Duty of care obligations are separate and additional to mandatory reporting and 'failure to disclose' reporting obligations.

### 5. MAKING A REPORT

**FOUR CRITICAL ACTIONS** must be taken when responding to an incident, disclosure or suspicion of child abuse. It includes critical detail and links to supporting documents (**See APPENDIX A**)

It is also a requirement under **Ministerial Order No. 870- Child Safe Standards- Managing the risk of child abuse in schools** for schools to keep clear and comprehensive notes on all observations, disclosures and other details that led them to suspect the abuse. Staff should use the template <http://www.education.vic.gov.au/about/programs/health/protect/Pages/schcritical.aspx> and refer to <https://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotectreporting.aspx> to document any incident, disclosure or suspicion that a child has been, or is at risk of being abused.

Staff **do not require** the permission of parents/guardians to make a report to Child Protection, nor are they required to tell parents/guardians that they have done so.

**Note:** If you are making a report to DHHS Child Protection or Victoria Police you must seek advice before contacting parents/guardians so as not to compromise any investigation or place a child at further risk.

Reports to Child Protection and Victoria Police are confidential unless you consent or a court or tribunal decides that it is necessary in the interests of justice for your identity to be disclosed. All mandatory reports should be sealed in an envelope and placed in a student's file and marked "**Confidential - For Principal's Eyes Only**".

## 6. STAFF TRAINING

As part of their initial induction to the school, staff will be informed of child protection reporting requirements and Department policy and will be provided with supporting documentation in their staff handbook.

At Grovedale Primary School all staff, including Education Support Staff, are expected to complete the DET online "Protecting the Safety of Children and Young People" Mandatory Reporting Professional Learning module annually.

**NOTE:** The requirements set out in the Department's *School Policy and Advisory Guide* apply at all times.

### **Further Information and Resources:**

- <http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotectobligation.aspx>
- <http://www.education.vic.gov.au/about/news/archive/Pages/mandreport.aspx>
- <https://www.vit.vic.edu.au/news/news/2017/the-child-safe-standards-and-mandatory-reporting>
- [http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/consol\\_act/cyafa2005252/s182.html](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/consol_act/cyafa2005252/s182.html)
- <https://www.childwise.org.au/page/42/state-legislation-reporting-vic>
- <https://www.casa.org.au/assets/Documents/mandatory-reporting.pdf>
- <http://volunteeringvictoria.org.au/new-requirements-mandatory-reporting/>
- <http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotectreporting.aspx>
- <http://www.education.vic.gov.au/about/programs/health/protect/Pages/schcritical.aspx>
- <http://www.education.vic.gov.au/about/news/archive/Pages/mandreport.aspx>
- Child Safe Standards

This policy was ratified by School Council in **March 2018** and is scheduled for review in **March 2021**.

# Appendix A

## FOUR CRITICAL ACTIONS FOR SCHOOLS

### Responding to Incidents, Disclosures and Suspicions of Child Abuse

#### YOU MUST TAKE ACTION

As a school staff member, you play a **critical role** in protecting children in your care.

- You must act, by following the Four Critical Actions, as soon as you witness an incident, receive a disclosure or form a reasonable belief\* that a child has, or is at risk of being abused.
- You must act if you form a suspicion/ reasonable belief, even if you are unsure and have not directly observed child abuse (e.g. if the victim or another person tells you about the abuse).
- It is strongly recommended that you use the **Responding to Suspected Child Abuse template** to keep clear and comprehensive notes, even if you make a decision not to report.

\*A reasonable belief is a deliberately low threshold. This enables authorities to investigate and take action.

#### 1 RESPONDING TO AN EMERGENCY

If there is no risk of immediate harm go to **Action 2**

If a child is at immediate risk of harm you must ensure their safety by:

- separating alleged victims and others involved
- administering first aid
- calling **000** for urgent medical and/or police assistance to respond to immediate health or safety concerns
- identifying a contact person at the school for future liaison with Police.

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.

#### 2 REPORTING TO AUTHORITIES / REFERRING TO SERVICES

As soon as immediate health and safety concerns are addressed you must report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

Q: Where does the source of suspected abuse come from?

##### WITHIN THE SCHOOL

**VICTORIA POLICE**  
You must report all instances of suspected child abuse involving a school staff member, contractor, volunteer or visitor to Victoria Police.

You must also report internally to:

- GOVERNMENT SCHOOLS**
- School principal and/or leadership team
  - Employee Conduct Branch
  - DET Security Services Unit.

- CATHOLIC SCHOOLS**
- School principal and/or leadership team
  - Diocesan education office.

- INDEPENDENT SCHOOLS**
- School principal and/or school chairperson
  - Commission for Children and Young People on **1300 782 978**.

All allegations of 'reportable conduct' must be reported as soon as possible to:

- GOVERNMENT SCHOOLS**
- Employee Conduct Branch
- CATHOLIC SCHOOLS**
- Diocesan education office

- INDEPENDENT SCHOOLS**
- Commission for Children and Young People on **1300 782 978**.

##### WITHIN THE FAMILY OR COMMUNITY

**DHHS CHILD PROTECTION**  
You must report to DHHS Child Protection if a child is considered to be:

- in need of protection from child abuse
- at risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development.

**VICTORIA POLICE**  
You must also report all instances of suspected sexual abuse (including grooming) to Victoria Police.

You must also report internally to:

- GOVERNMENT SCHOOLS**
- School principal and/or leadership team
  - DET Security Services Unit.

- CATHOLIC SCHOOLS**
- School principal and/or leadership team
  - Diocesan education office.

- INDEPENDENT SCHOOLS**
- School principal and/or chairperson.

For suspected student sexual assault, please follow the **Four Critical Actions: Student Sexual Offending**.

##### OTHER CONCERNS

If you believe that a child is not subject to abuse, but you still hold significant concerns for their wellbeing you must still act. This may include making a referral or seeking advice from:

- Child FIRST/The Orange Door (in circumstances where the family are open to receiving support)
- DHHS Child Protection
- Victoria Police.

#### 3 CONTACTING PARENTS/CARERS

Your principal must consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers. They may advise:

- not to contact the parents/carer (e.g. in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parent/carer to be contacted)
- to contact the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion)
- how to communicate with all relevant parties with consideration for their safety.

#### 4 PROVIDING ONGOING SUPPORT

Your school must provide support for children impacted by abuse. This should include the development of a **Student Support Plan** in consultation with wellbeing professionals. This is an essential part of your duty of care requirements. Strategies may include development of a safety plan, direct support and referral to wellbeing professionals and support.

You must follow the **Four Critical Actions** every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

#### CONTACT

**DHHS CHILD PROTECTION AREA**  
North Division **1300 664 9777**  
South Division **1300 655 795**  
East Division **1300 360 391**  
West Division (Rural) **1800 075 599**  
West Division (Metro) **1300 664 9777**

**AFTER HOURS**  
After hours, weekends, public holidays **13 12 78**.

**CHILD FIRST**  
<https://services.dhhs.vic.gov.au/referral-and-support-team/>

**ORANGE DOOR**  
<https://www.vic.gov.au/family-violence/the-orange-door/html>

**VICTORIA POLICE**  
**000** or your local police station  
**DET SECURITY SERVICES UNIT**  
**(03) 9589 6266**

**STUDENT INCIDENT AND RECOVERY UNIT**  
**(03) 9651 9622**

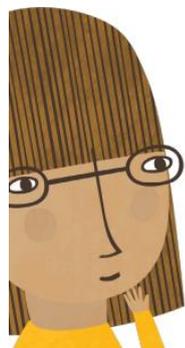
**EMPLOYEE CONDUCT BRANCH**  
**(03) 9637 2595**

**DIOCESAN OFFICE**  
Melbourne **(03) 9267 0228**  
Ballarat **(03) 5337 7135**  
Sale **(03) 5822 6600**  
Sandhurst **(03) 5443 2377**

**INDEPENDENT SCHOOLS VICTORIA**  
**(03) 9825 7200**

**THE LOOKOUT**  
The LOOKOUT has a service directory, information, and evidence based guidance to help you respond to family violence: <http://www.lookout.org.au>

Family violence victims/survivors can be referred to **1800 Respect** for counselling, information and a referral service: **1800 737 732**.



[https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions\\_ChildAbuse.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf)